

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1687 OF 2015

Jamal Ahmed Shaikh ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Satyaram Radheshyam Gaud, Advocate for the applicant.
Ms. A.T. Javeri, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **22nd March, 2016.**

P.C.:

This Application is moved for pre-arrest bail, as the applicant/accused is facing charges under sections 341, 454, 457, 380 r/w. 34 of the Indian Penal Code in C.R. No. 393 of 2015 which is registered at the instance of Mohd. Salim Abdul Gaffar on 4th October, 2015 at Nagpada Police Station, Mumbai.

2. It is the case of the prosecution that the applicant/accused and his wife both demolished the dividing wall between their tenement and the tenement of the complainant and tried to acquired the illegal forcible possession of complainant's room.

3. The learned counsel for the applicant/accused submitted that his wife Anisa is shown as prime accused, who was arrested and now released

on bail. He submitted on instructions that the dividing wall which was demolished is now restored. He submitted that the applicant is ready to abide by the terms and conditions, if any, imposed by this Court.

4. Learned APP opposed the application. She confirms that Anisa was arrested and released on bail.

5. After considering the FIR and the submissions of the learned counsel for both the sides, I am of the view that custody of the applicant/accused is not required. Hence, I am inclined to grant pre-arrest bail to the applicant/accused on the following terms and conditions:

ORDER

- i) Application is allowed.
- ii) In the event of arrest, the applicant/accused shall be released on bail upon furnishing PR. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount on the condition that the dividing wall is to be restored, if not restored;
- iii) The applicant/accused shall not pressurize the complainant;
- iv) The applicant/accused shall not commit the same offence again;
- v) The applicants/accused shall cooperate the Investigating

officer and shall attend the concerned police station on 29th March, 2016 and 30th March, 2016 between 6 p.m. to 7 p.m.

6. Anticipatory Bail Application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)